

AMERICANS WITH DISABILITIES ACT

REASONABLE ACCOMMODATION COUNTYWIDE PROCEDURES MANUAL

Miami-Dade County
Employee Relations Department
Career Development Division
ADA Unit/Office of Reasonable Accommodation
www.miamidade.gov/emprel



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Miami-Dade County provides equal access and equal opportunity in employment and services and does not discriminate on the basis of disability.



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PREFACE

The Miami-Dade Employee Relations Department's Americans with Disabilities Act (ADA) Reasonable Accommodation Countywide Procedures Manual is a policy guide for Miami-Dade County administrators, supervisors, and Departmental Personnel Representatives, to assist in the fair, orderly, and uniform application of the employment-related provisions of the Americans with Disabilities Act of 1990.

All County employees are obligated to abide by the ADA, a federal legal mandate. More importantly, however, the County has a moral obligation to provide equal access and equal opportunity in employment and services to the disabled community.

On January 21, 1992, the Miami-Dade County Commission reiterated Miami-Dade County's equal opportunity policy with regard to persons with disabilities. The Miami-Dade Employee Relations Department is committed to the principles of fairness and equal employment opportunity for individuals with disabilities.

Nothing provided herein shall preclude a department from utilizing disciplinary action when an employee violates the provisions contained under Chapter 8, Section 7, of the Miami-Dade County Personnel Rules.

This manual replaces all earlier versions of the ADA Procedures Manual.

POLICY STATEMENT

Miami-Dade County endorses the clear mandate of the Americans with Disabilities Act of 1990 (ADA) to remove barriers which prevent qualified individuals with disabilities (as identified in the ADA definition) from enjoying the same employment opportunities that are available to persons without disabilities.

Miami-Dade County provides equal access and equal opportunity in employment and services and does not discriminate on the basis of disability. Miami-Dade County uses only job-related standards and criteria and methods of administration that are consistent with business necessity and that do not have the effect of discriminating, or perpetuating discrimination, on the basis of a disability.

Miami-Dade County takes positive steps to recruit, hire, train, and provide reasonable accommodation to applicants and employees with disabilities.

Purpose

To ensure compliance with federal, state, and local laws regarding the employment of qualified individuals with disabilities, however, applicable provisions of a collective bargaining agreement may supersede specific procedures.

Authority

Americans with Disabilities Act of 1990
Rehabilitation Act of 1973, Section 504
Florida Human Rights Act of 1977
Florida Civil Rights Act of 1992
Miami-Dade County Charter
Code of Miami-Dade County
Miami-Dade County Resolution No. R-85-92
Miami-Dade County Administrative Order 10-10

Responsibility

Department Directors are responsible for departmental compliance with the Americans with Disabilities Act (ADA).

The Miami-Dade Employee Relations Department, under the authority of section 4.05(b) of the Miami-Dade County Charter, provides administration and oversight of countywide programs to ensure departmental compliance with the employment-related provisions of the Americans with Disabilities Act. The Employee Relations Department also maintains centralized records for all reasonable accommodation requests and decisions and completed Essential Job Functions Forms.

IDENTIFYING ESSENTIAL JOB FUNCTIONS

Background:

The Americans with Disabilities Act (ADA) prohibits an employer from discriminating against “qualified individuals with disabilities.” A qualified individual is an individual who satisfies the employer’s valid requirements for the job and is able to perform the essential functions of the job, with or without reasonable accommodation. To comply with these provisions, the employer must determine:

- ◆ the essential functions of the job;
- ◆ whether a disabled person, with or without accommodation, is qualified to perform these duties;
- ◆ whether a reasonable accommodation can be made for a qualified individual; and,
- ◆ if an accommodation is needed to allow the qualified applicant to perform the duties of the job competitively, whether such an accommodation can be reasonably made.

Determining essential functions of each job is a step towards ADA compliance. For this reason, the Essential Job Functions Form is intended to supplement the position description and announcement in identifying essential job functions for County positions.

Purpose:

The determination of essential job functions is necessary in order to ascertain whether or not an applicant meets valid minimum job requirements. Although classification specifications and announcements may assist in determining essential functions, they may be incomplete. These documents usually represent an occupational code group (classification) as opposed to a specific position description. Within an occupational code, the required physical activities, working conditions, work environment, and work demands may vary depending on the specific job in question. The identification of essential functions is necessary to meet the requirements of the ADA.

Definition:

Essential functions are the basic fundamental, not marginal, job duties that an employee must be able to perform, with or without reasonable accommodation, in order to accomplish the job.

Procedure:

Effective July 26, 1992, each department must complete or update the Essential Job Functions Form for each position within the department.

The Departmental Personnel Representative (or designee) shall:

1. Complete the Essential Job Functions Form; and,
2. Keep original of form and submit a copy to the Employee Relations ADA Specialist.

To determine the essential job functions for a position, the Departmental Personnel Representative should examine which functions or tasks are essential to satisfactory performance of the specific job.

Instructions and Guidelines:

1. To identify essential job functions, the first consideration is whether employees in the position are actually required to perform the function.
2. If a person does perform a given function, the next consideration is whether removing that function would fundamentally change the job.
3. A list of essential job functions should focus on the results or outcome of a function, not solely on the way it customarily is performed.

For example: A job that requires objects to be moved from one place to another should state this essential function. The analysis may note that the person in the job "lifts 50 pound cartons to a height of 3 or 4 feet and loads them into truck-trailers 5 hours daily," but should not identify the "ability to manually lift and load 50 pound cartons" as an essential function unless this is the only method by which the function can be performed without causing an undue hardship.

4. A function may be essential if the position exists to perform the function.

For example: A person is hired to proofread documents. The ability to proofread accurately is an essential function, because this is the reason that this position exists.

5. A function may be essential if there are a limited number of other employees available to perform the function, or among whom the function can be distributed. This may be a factor because there are only a few other employees, or because of fluctuating demands of a business operation.

For example: It may be an essential function for a file clerk to answer the telephone if there are only three employees in a very busy office and each employee has to perform many different tasks. Or, a company with a large workforce may have periods of very heavy labor-intensive activity alternating with less active periods. The heavy work flow during peak periods may make performance of each function essential, and limit an employer's flexibility to reassign a particular function.

6. A function may be essential if the function is highly specialized and a person is hired for special expertise or ability to perform it.

For example: A company wishes to expand its business with Japan. For a new sales position, in addition to sales experience, it requires a person who can communicate fluently in the Japanese language. Fluent communication in the Japanese language is an essential function of the job.

7. The consequences of not requiring a person in a job to perform a function are important factors to consider. Sometimes a function that is performed infrequently may be essential because there will be serious consequences if it is not performed.

For example: A corrections officer may only need to pursue and physically restrain an inmate with a weapon occasionally, but the function is essential because of the serious consequences if the officer could not perform this function.

8. The employer's judgment; a written job description prepared before advertising or interviewing applicants for a job; the amount of time spent performing a function; the terms of a collective bargaining agreement; the work experience of people who have performed a job in the past and work experience of people who currently perform similar jobs; and the nature of the work operations and the employer's organizational structure may also be factors in determining whether a function is essential.

Contact:

For more information on the procedure for Identifying Essential Job Functions, contact:

ADA Unit/Office of Reasonable Accommodation
Miami-Dade Employee Relations Department
111 N.W. 1st Street, Suite 2110
Miami, Florida 33128
(305) 375-5876 (Voice)
(305) 375-4138 (Fax)
(305) 375-5645 (TTY)
<http://www.miamidade.gov/emprel/>

PROCEDURE FOR REASONABLE ACCOMMODATION

Background:

Qualified individuals with disabilities (qualified applicants for employment and qualified County employees) may request modifications or adjustments which allow the individual to participate in the job application process, perform the essential job functions of a job, or enjoy the benefits and privileges of employment equal to those enjoyed by employees without disabilities.

Purpose:

The purpose of this procedure is to:

- ◆ Afford equal opportunity in the application process for qualified individuals with disabilities;
- ◆ Enable employees with disabilities to perform essential functions of positions held or desired; and,
- ◆ Enable employees with disabilities to enjoy equal benefits and privileges of employment as are enjoyed by employees without disabilities.

Definition:

A reasonable accommodation is any change or adjustment to a job or work environment that permits a qualified applicant or employee with a disability to participate in the job application process, to perform the essential job functions of a job, or enjoy the benefits and privileges of employment equal to those enjoyed by employees without disabilities.

Procedure:

For Employees Only

Step 1

The Employee Shall:

1. REQUEST THE APPROPRIATE REASONABLE ACCOMMODATION FORM from the Departmental Personnel Representative or the Employee Relations ADA Specialist. The form is also available on the County's Internet site at <http://www.miamidade.gov/emprel/>.
2. COMPLETE THE REASONABLE ACCOMMODATION REQUEST FORM.

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3. SUBMIT THE REASONABLE ACCOMMODATION REQUEST FORM to the Supervisor or Departmental Personnel Representative, who forwards a copy to the Employee Relations ADA Specialist.

Step 2

The Department shall:

1. POST NOTICE and otherwise continuously communicate the availability of the Reasonable Accommodation process.
2. REFER TO THE ESSENTIAL JOB FUNCTIONS FORM (see Essential Job Functions Procedure), the job description, and job announcement. Contact the Employee Relations ADA Specialist for assistance if necessary.
3. CONSULT WITH THE EMPLOYEE who completes the Reasonable Accommodation Request Form to ascertain the precise job-related limitations imposed by the individual's disability and how those limitations could be overcome with a reasonable accommodation.
4. CONFIRM the need for reasonable accommodation if necessary. The department may request reasonable medical documentation for the request. A medical examination by a County authorized physician may be required to determine if an individual has a disability covered by the ADA and is entitled to an accommodation, and, if so, to help identify an effective accommodation.
5. IDENTIFY POTENTIAL ACCOMMODATIONS, review the completed Reasonable Accommodation Request Form and any documentation provided, and assess the effectiveness each would have in enabling the individual to perform the essential functions of the position. (See list of other reference agencies including the Job Accommodation Network Hotline (JAN) at 1-800-526-7234, or contact the Employee Relations ADA Specialist.)
6. PROVIDE REASONABLE ACCOMMODATION as necessary for applicants and employees. Consider the preference of the individual to be accommodated, consider the job, and select and implement the accommodation that is most appropriate for both the employee and the employer. A determination regarding reasonable accommodation should be made within a reasonable period of time. By granting a reasonable accommodation, the department does not take a position as to whether an individual is disabled under the ADA.
7. FORWARD THE COMPLETED FORM to the Employee Relations ADA Specialist. The Employee Relations Department maintains centralized records for all reasonable accommodation requests and decisions for tracking and reporting purposes.
8. REQUEST TECHNICAL ASSISTANCE from the Employee Relations ADA Specialist if consultation with the individual in need of the accommodation does not reveal potential appropriate accommodations, or, if a determination of undue hardship is made (financial or otherwise).

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9. TO REQUEST A GRANT FROM THE REASONABLE ACCOMMODATION FUND, contact the Office of Fair Employment Practices if an undue financial hardship exists within the department.
 10. FOLLOW AND COMPLETE THIS PROCEDURE BEFORE INITIATING DISCIPLINARY ACTION or any action regarding the employee's performance which may be caused by a disability when an employee has completed a Reasonable Accommodation Request Form.
 11. MAINTAIN CONFIDENTIALITY OF MEDICAL RECORDS so that the information is not disseminated to persons who have no right to it. Follow Medical Records Protocol (contact the Employee Relations Department Medical Records Administrator regarding medical records information). Maintain separate departmental medical record files which are not considered public information and cannot be released without a court order or the employee's permission.

For Applicants Only

Step 1

The Applicant Shall:

1. REQUEST THE APPROPRIATE REASONABLE ACCOMMODATION FORM from the Center for Employment Application or the Employee Relations ADA Specialist. The form is also available on the County's Internet site at <http://www.miamidade.gov/emprel/>.
2. COMPLETE THE REASONABLE ACCOMMODATION REQUEST FORM.
3. SUBMIT THE REASONABLE ACCOMMODATION REQUEST FORM, along with complete medical documentation, with the job application to the Miami-Dade Employee Relations Department, Career Development Division, 111 N.W. First Street, Suite 2110, Miami, Florida 33128.

Note: Individuals seeking accommodation for an examination must submit their request and complete medical documentation to the Employee Relations Department at least 30 days prior to the examination or at the time of application, whichever is later. This is to allow sufficient time for evaluation, processing, and, if necessary, administrative arrangements.

Step 2

The Employee Relations Department Shall:

EVALUATE AND PROCESS THE REQUEST. The Employee Relations Department shall coordinate any necessary arrangements and notify departments as appropriate.

Appeals:

The Miami-Dade Disability Review Panel will hear appeals of departmental reasonable accommodation decisions.

Contact:

For more information on ADA Reasonable Accommodation Procedures, contact:

ADA Unit/Office of Reasonable Accommodation
Miami-Dade Employee Relations Department
111 N.W. 1st Street, Suite 2110
Miami, Florida 33128
(305) 375-5876 (Voice)
(305) 375-4138 (Fax)
(305) 375-5645 (TTY)
<http://www.miamidade.gov/emprel/>

For more information on Medical Records, contact:

Medical Records Administrator
Miami-Dade Employee Relations Department
111 N.W. 1st Street, 21st floor
Miami, Florida 33128
(305) 375-4171

For more information on the Reasonable Accommodation Fund, contact:

Miami-Dade Office of Fair Employment Practices
111 N.W. 1st Street, 22nd floor
Miami, Florida 33128
(305) 375-2784

For more information on the recruitment and application process, contact:

Center for Employment Application
Miami-Dade Employee Relations Department
140 West Flagler Street, Suite 105
Miami, Florida 33130
(305) 375-5725

For more information on appeals of reasonable accommodation decisions, contact:

Miami-Dade Disability Review Panel
c/o Employee Relations Department
111 N.W. 1st Street, Suite 2110
Miami, Florida 33128
(305) 375-2473

REASONABLE ACCOMMODATION FUND

The County's Reasonable Accommodation Fund is available for Departments to purchase assistive devices for employees and applicants with disabilities. The Office of Fair Employment Practices (OFEP) administers the Fund.

1. The employee or applicant, the employee's supervisor, the Departmental Personnel Representative or other Department designee, or the Employee Relations Department's ADA Unit/Office of Reasonable Accommodation may make requests for money from the Reasonable Accommodation Fund directly to the Office of Fair Employment Practices.
2. The Department has the authority to make a reasonable accommodation without using money from the Reasonable Accommodation Fund, but the Department does not have the authority to deny an accommodation funded by the Reasonable Accommodation Fund. The Department Director or designee may make a recommendation to the Office of Fair Employment Practices concerning specific requests for funding.
3. Completed Reasonable Accommodation Fund Request Forms are submitted to the Departmental Personnel Representative and then forwarded to the Office of Fair Employment Practices. The Office of Fair Employment Practices shall process all requests within a reasonable period of time.
4. The Departmental Personnel Representative and the Office of Fair Employment Practices will keep completed forms on file.
5. When funding for accommodation is being sought from the Reasonable Accommodation Fund, the Departmental Personnel Representative, the supervisor, and the Office of Fair Employment Practices should work together to complete the request form. The Office of ADA Coordination and the Department of Human Services' Center for Disabilities Services and Independent Living (D/SAIL) will be utilized to provide technical assistance. The Office of Strategic Business Management (OSBM) reviews all requests for funding and provides final approval.

Contact:

For more information on the Reasonable Accommodation Fund, contact:

Miami-Dade Office of Fair Employment Practices
111 N.W. 1st Street, 22nd floor
Miami, Florida 33128
(305) 375-2784

PROCEDURE FOR INTERVIEWING JOB APPLICANTS

Background:

This procedure summarizes the important points of the job interview. The procedure itself is streamlined and focuses on questions which may arise in the interviewing of applicants with disabilities.

The job description, Essential Job Functions Form, and job announcement include vital job analysis information which is crucial in determining job qualifications such as:

- ◆ Knowledge;
- ◆ Abilities;
- ◆ Skills;
- ◆ Critical Job Behaviors;
- ◆ Physical Demands; and,
- ◆ Work Conditions.

It is, therefore, necessary that these documents be readily available to those involved in the job interview process.

Procedure:

Step 1 - Contacting Applicants

If applicants have completed the Reasonable Accommodation Request (RAR) Form indicating a disability, utilize the appropriate contact source. Don't use a typewritten letter to contact a sight-impaired applicant who requests another communication method. Similarly, don't directly call a hearing or speech-impaired applicant by telephone who requests the use of a text telephone (TTY). The Florida Relay Center is available to translate TTY messages into speech for non-TTY users and vice versa.

Persons with disabilities utilize a variety of transportation services when traveling to and from work. When scheduling an interview, be aware that the person may be required to make a reservation 24 hours in advance, plus travel time. When arranging the interview appointment, provide the applicant with an estimated time to schedule the return trip from the interview if that information is requested, since special transportation scheduling may require that the applicant schedule the return trip in advance.

Step 2 - Interpreter, Facility, and Material

- A. If an applicant is known to need sign language interpreter services for a job interview, contact the Employee Relations ADA Specialist for interpreter information.
- B. Collect the data necessary to perform an effective job-related interview, including:
 - ◆ The Job Description
 - ◆ The Essential Job Functions Form
 - ◆ The Job Announcement
- C. Locate an appropriate and accessible interview site. Consider such factors as:
 - ◆ Location
 - ◆ Ramp
 - ◆ Elevator Availability
 - ◆ "Push-Bar" Door Handles
 - ◆ Height of Interview Table for Wheelchair Accessibility

Know where accessible restrooms, drinking fountains, and telephones are located. If such facilities are not available, be ready to offer alternatives (e.g., the private or employee restroom, a glass of water, your desk phone).
- D. Keep the interview environment comfortable, accessible, and free of interruptions.
- E. Use the same format for each candidate (e.g., introduce panel members, place the candidate at ease, ask the same questions, and use the same rating method for each person).
- F. Close the interview with each applicant.

Step 3 - Panel Guidelines

- A. Select a panel of at least three persons representing ethnic and gender diversity.
- B. Provide job description and other documents on job requirements and necessary skills, abilities, job behaviors, physical demands, and working conditions .
- C. Review draft questions and scoring criteria. Develop questions which are open-ended and situational. Be sure not to ask questions regarding information that will be learned on the job.

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- D. Discuss with the Panel how to conduct a professional, legally defensible, job-related interview.
- E. Do not use questions that can lead to charges of unfairness or discrimination. AVOID asking questions about:
- ◆ Age or date of birth
 - ◆ Arrest records
 - ◆ Citizenship or national origin
 - ◆ Credit or garnishment records
 - ◆ Family matters (e.g., child care, ages of children)
 - ◆ Marital status, maiden name
 - ◆ Health history
 - ◆ Political or religious affiliations
 - ◆ Physical or mental disability (Job-related questions on necessary accommodation are permitted, i.e., will you require any accommodation to perform this job)
- F. Discuss panel listening skills and how to avoid errors frequently made by interviewers.
- G. Discuss panel guidelines:
- ◆ Use a normal tone of voice when extending a verbal welcome. Do not raise your voice unless requested.
 - ◆ When introduced to a person with a disability, it is appropriate to offer to shake hands. People with limited hand use or who wear an artificial limb can usually shake hands. (Shaking hands with the left hand is an acceptable greeting.) For those who cannot shake hands, touch the person on the shoulder or arm to welcome and acknowledge their presence.
 - ◆ Treat adults in a manner befitting adults. Call a person by his or her first name only when extending that familiarity to all others present.
 - ◆ When addressing a person who uses a wheelchair, never lean on the person's wheelchair. The chair is a part of the body space that belongs to the person who uses it.
 - ◆ When talking with a person who has a disability, look and speak directly to that person, rather than through a companion who may be along.

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- ◆ If an interpreter is present, speak to the person scheduled for the appointment, not to the interpreter. Always maintain eye contact with the applicant, not the interpreter.
 - ◆ Offer assistance in a dignified manner, with sensitivity and respect. Be prepared to have the offer declined. If the offer is accepted, listen to or ask for instructions:
 - ◆ Allow a person with a visual impairment to take your arm (at or above the elbow). This will enable you to guide rather than propel or lead the person
 - ◆ Offer to hold or carry packages in a welcomed manner. Example: "May I help you with your packages?"
 - ◆ When offering to hang a coat or umbrella, do not offer to hang a cane or crutches, unless the individual requests it.

Step 4 - Interview

A. Many people feel uncomfortable, at first, around a person with a disability. You might ask questions such as, "May I be of assistance?" or "Is there anything I can do to make your visit more comfortable?" These questions are good icebreakers, and make both you and the candidate more relaxed.

B. Ask only job-related questions.

During the interview process, the only questions you should ask are those that relate to the applicant's ability to perform the essential functions of the job.

Some examples of permissible questions are:

- ◆ This job requires that 50 lb. boxes be lifted and placed on a ramp. Are you able to perform this function?
- ◆ An important part of this job is word processing. We use Word for Windows. Are you able to use Word for Windows?
- ◆ The job requires all employees to be at work at 8:00 a.m. Is there any reason that you would be unable to do this?

You should not ask about the person's disability unless the disability affects his or her ability to perform an essential job function.

If the applicant is unable to perform an essential function of the job, you should ask whether there are any reasonable accommodations that would enable him or her to perform the essential function.

If the applicant is a qualified person with a disability, the question of accommodation should be raised after the individual is determined qualified as a potential candidate.

Examples of reasonable accommodation include:

- ◆ Making existing facilities used by employees readily accessible to an individual with a disability;
- ◆ Restructuring a job;
- ◆ Modifying work schedules;
- ◆ Acquiring or modifying equipment;
- ◆ Providing qualified readers or interpreters; or,
- ◆ Adjusting or modifying examinations, training, or policies.

If the person is not qualified, you should state why, and make it clear that the reason for rejection is due to lack of qualifications.

Step 5 - Document Your Interview Process

Proper documentation should include:

- ◆ Job Title
- ◆ Interviewer's Name(s)
- ◆ Names of those Interviewed
- ◆ Date and Time
- ◆ Job-Related Standard Questions (those asked of each candidate)
- ◆ Major Topics Covered (technical knowledge, supervisory skills, etc.)
- ◆ Rating or Scoring Format And Criteria
- ◆ Disposition (hired, not hired, and job-related reason why)

The Interview Panel should neither document unrelated disability nor consider disability in determining the best-qualified applicant. Consider only each candidate's ability to perform the job.

Step 6 - Follow-up

Make sure all candidates are notified of the results of the interview. The interviewing department should contact candidates immediately after a selection decision is made.

Contact:

For more information on ADA Procedures, contact:

ADA Unit/Office of Reasonable Accommodation
Miami-Dade Employee Relations Department
111 N.W. 1st Street, Suite 2110
Miami, Florida 33128
(305) 375-5876 (Voice)
(305) 375-4138 (Fax)
(305) 375-5645 (TTY)
<http://www.miamidade.gov/emprel/>

For relay services to communicate with applicants using text telephones (TTY machines), contact:

Florida Telecommunications Relay, Inc.
(800) 955-8770 (Voice Callers)
711 (TTY Callers)
(800) 955-8771 (TTY Callers)

ACCOMMODATING MEDICAL RESTRICTIONS

The existing Miami-Dade County Medical Examination and Fitness for Duty Physical Examination Protocol Procedures are to be followed with all employees.

All employees must have a pre-employment physical exam and must be able to perform all essential job functions, with or without accommodation, as a condition of employment.

An employee does not need to be “100 percent healed” to return to work following injury or illness. The County makes individual assessments of workers’ abilities and extends reasonable accommodations to qualified individuals with disabilities.

In accordance with Equal Employment Opportunity Commission guidance, the doctor’s role in the accommodation process should be limited to advising the department about an individual’s functional abilities and limitations in relation to job functions, and about whether the individual meets the department’s health and safety requirements.

It is not necessary to make a “disability determination” to provide an employee or applicant with a reasonable accommodation. The ADA does not prevent an employer from providing an accommodation to an individual whose impairment may not meet the ADA definition of disability.

Accommodations for employees with medical restrictions are made on a case-by-case basis.

Contact:

For more information on Medical Exam Protocol, contact:

Medical Records Administrator
Miami-Dade Employee Relations Department
111 N.W. 1st Street, 21st floor
Miami, Florida 33128
(305) 375-4171

For more information relating to on-the-job injuries, contact:

Risk Management Division, Workers’ Compensation Section
Miami-Dade General Services Administration
111 N.W. 1st Street, Suite 2340
Miami, Florida 33128
(305) 375-4280

PROCEDURE FOR JOB PLACEMENT OF EMPLOYEES WITH DISABILITIES

Background:

Job placement may be a reasonable accommodation for employees with disabilities under the employment provisions of the Americans with Disabilities Act. The Miami-Dade Service-Connected Disability Program (County Ordinance No. 69-49) also provides for job placement of qualified County employees with on-the-job injuries. These placement provisions shall not apply to those employees who are disciplined under Chapter 8, Section 7, of the Miami-Dade County Personnel Rules, except in those cases where the disciplinary action is solely the result of the employee's disability.

Purpose:

The two-fold purpose of this procedure is:

1. To outline the process by which employees receive job placement assistance when unable to perform the duties of the current position, with or without accommodation, because of a permanent medical condition; and,
2. To outline the process by which employees who are approved for long-term disability benefits in accordance with the Service-Connected Disability Program, may receive job placement assistance.

Definition:

Job placement involves assistance from the originating department and/or the Employee Relations Department in securing a County budgeted vacant position for which the employee qualifies.

Procedure:

Job placement is the reasonable accommodation of last resort. The Job Placement Procedure is only initiated when a County department is unable to provide reasonable accommodation for an employee who has become permanently unable to perform in the current position, with or without a reasonable accommodation, because of a medical condition.

Job placement may occur when the employee requesting accommodation is able to perform the essential job functions of another lateral or lower vacant position, within his/her department, for which the employee meets the minimum qualifications.

Step 1 - Placement Request

The employee can request placement assistance by completing the Reasonable Accommodation Request Form or the department may indicate on the Reasonable Accommodation Form that reasonable accommodation in the employee's current position is not possible (follow Procedure for Reasonable Accommodation).

Step 2 - Processing the Request

The department reviews the employee's qualifications and attempts to identify a lateral or lower budgeted vacant position within the department, for which the employee qualifies. The Employee Relations Department assists in this process when necessary or appropriate.

The employee shall also be encouraged to apply competitively for vacant positions in the County for which the employee is qualified.

Step 3 - Screening

If the employee is an appropriate candidate for placement and is unsuccessful in competitively securing a position, the department may proceed with the placement process.

The employee must meet the minimum qualifications of the identified position. Placement cannot proceed unless the Employee Relations Department has screened the employee as eligible for the identified position.

Step 4 - Doctor's Approval

In addition to being screened eligible for the identified position, the employee must be able to perform the essential job functions of the job with or without accommodation. Placement cannot proceed unless the employee's treating physician indicates that the employee can perform the essential functions of the identified position, with or without accommodation.

Step 5 - Accepting Position/Waiving Classified Service Rights

After the employee is determined to be qualified for the new position, the employee must voluntarily accept the new position in writing pending the approval of the placement by the Disability Review Panel.

If the employee possesses classified service rights to his or her current classification, or any classification higher than the classification to which the employee is being placed, the employee must voluntarily agree in writing to waive his or her rights to those classifications pending the approval of the placement by the Disability Review Panel.

Step 6 - Disability Review Panel

The Employee Relations Department Director may convene the Disability Review Panel to consider the approval of placement recommendations. The Disability Review Panel consists of the Employee Relations Department Director, the General Services Administration's Risk Management Division Director, and a representative of the County Manager's Office.

If the Disability Review Panel approves the placement, the Departmental Personnel Representative effectuates the change by completing a Personnel Change Document (PCD) form and attaching a copy of the Closure Letter provided by the Employee Relations Department. If the placement constitutes a demotion, the Departmental Personnel Representative should write in the remarks section of the PCD form: "Reasonable accommodation placement approved by the Disability Review Panel. Treat as involuntary demotion."

Employees approved for placement by the Disability Review Panel must pass a probationary period in the new position. The placement must comply with existing Employee Relations Department procedures.

Contact:

For more information on ADA Procedures, contact:

ADA Unit/Office of Reasonable Accommodation
Miami-Dade Employee Relations Department
111 N.W. 1st Street, Suite 2110
Miami, Florida 33128
(305) 375-5876 (Voice)
(305) 375-4138 (Fax)
(305) 375-5645 (TTY)
<http://www.miamidade.gov/emprel/>

For more information on the Service-Connected Disability Program, contact:

Risk Management Division, Workers' Compensation Section
Miami-Dade General Services Administration
111 N.W. 1st Street, Suite 2340
Miami, Florida 33128
(305) 375-4280

DISCRIMINATION COMPLAINT PROCEDURE

Summary:

It is the intention of the Employee Relations Department to assist County departments in the implementation of the Americans with Disabilities Act (ADA) and in the provision of Reasonable Accommodation, and to prevent complaints of ADA non-compliance.

However, in the event that an applicant or employee has followed the Employee Relations Department procedures for Reasonable Accommodation and feels that he or she has been discriminated against because of a disability, the individual may file a discrimination complaint in accordance with the Fair Employment Practices Complaint Procedure.

All employees or applicants for County employment who believe they have been discriminated against when applying for a job, or on the job, or in the terms and conditions of employment because of race, color, national origin, sex, religion, disability, age or marital status, may file a complaint through the County's Office of Fair Employment Practices.

Procedure:

1. A complainant (employee or applicant) should contact the Office of Fair Employment Practices, or the Department's Affirmative Action Officer (DAAO), and state the nature of his/her claim.
2. The Office of Fair Employment Practices will notify the DAAO upon receipt of any complaint filed directly with the Office. Correspondingly, the DAAO will notify the Office of Fair Employment Practices of any complaint filed directly with the department.
3. If the complaint is filed directly with the department, the DAAO has 10 working days to resolve the complaint internally within the department. If the DAAO is unable to resolve the complaint, then the complaint is referred to the Office of Fair Employment Practices. The Office of Fair Employment Practices will seek a solution to the complaint either through an informal or formal fact-finding investigation. The completion of the fact-finding inquiry should occur within 21 working days of the last employee interview. The Department Director or designee will be officially advised as to the nature of the complaint and the fact-finding process. The DAAO is required to participate in the investigation process, except when the DAAO is the subject of the investigation.
4. The Office of Fair Employment Practices will conduct a timely investigation and make a determination if there is a "reasonable cause" or "no cause" to believe

discrimination has occurred. Opportunity is provided for an informal conciliation of the complaint.

5. If the determination is made that "reasonable cause" exists, then the Office of Fair Employment Practices will try to reach a conciliated disposition of the complaint. This may include employee counseling, supervisory/sensitivity training, or a disciplinary action recommendation. If a determination of "no cause" is made, the Office of Fair Employment Practices may still recommend employee counseling or supervisory/sensitivity training to improve the work environment.
6. Upon completion of the investigation, the Office of Fair Employment Practices will provide the Department Director and the employee with a written report of the findings and recommendations.
7. The complainant may review and discuss the entire investigative file with the case investigator 5 days after the final disposition of the case.
8. The Department Director has 10 working days from the date of the report to respond to the conclusions and recommendations.
9. If the department rejects or modifies the recommended decision and the matter cannot be conciliated between the Department Director and the Office of Fair Employment Practices, it is referred to the appropriate Assistant County Manager for binding resolution.
10. The Office of Fair Employment Practices notifies the employee in writing of the proposed disposition of the complaint.
11. The employee has the right to appeal to the County Manager.

Note: The aggrieved person is advised of alternative complaint resolution processes and other redress mechanisms, including the Equal Employment Opportunity Commission, the Florida Human Rights Commission, or a private attorney.

Contact:

Miami-Dade Office of Fair Employment Practices
111 N.W. 1st Street, 22nd floor
Miami, Florida 33128
(305) 375-2784

TRAINING

The Employee Relations Department's Miami-Dade County University (MDCU) program has incorporated ADA training into several of its supervisory training courses.

The course on Fair Employment Practices provides an overview of the ADA employment provisions. The course on Structured Interview and Selection Techniques focuses specifically on ADA concerns before and during the interview and selection process. ADA issues related to on-the-job performance are addressed in Performance Appraisal training. Finally, a course on Cultural Diversity includes a discussion on employees with disabilities.

Individuals with disabilities who need accommodation to participate in MDCU training should make their requests directly to MDCU or to the ADA Unit/Office of Reasonable Accommodation.

Contact:

For more information on MDCU training programs, contact:

Miami-Dade County University
Miami-Dade Employee Relations Department
111 N.W. 1st Street, Suite 2110
Miami, Florida 33128
(305) 375-5654 (Voice)
(305) 375-4138 (Fax)
<http://www.miamidade.gov/emprel/>

For reasonable accommodation assistance, contact:

ADA Unit/Office of Reasonable Accommodation
Miami-Dade Employee Relations Department
111 N.W. 1st Street, Suite 2110
Miami, Florida 33128
(305) 375-5876 (Voice)
(305) 375-4138 (Fax)
(305) 375-5645 (TTY)
<http://www.miamidade.gov/emprel/>

EVALUATIONS, DISCIPLINE, & DISCHARGE

An employer can hold employees with disabilities to the same standards of production/performance as other similarly situated employees without disabilities for performing essential job functions (with or without reasonable accommodation). An employer also can hold employees with disabilities to the same standards of production/performance as other employees regarding marginal job functions, unless the disability affects the ability to perform these marginal functions. If the ability to perform marginal functions is affected by the disability, the employer must provide some type of reasonable accommodation such as job restructuring (unless to do so would be an undue hardship).

A disabled employee who needs an accommodation (that is not an undue hardship for an employer) in order to perform a job function should not be evaluated on his/her ability to perform the function without the accommodation, and should not be downgraded because such an accommodation is needed to perform the function. An employer should not give employees with disabilities "special treatment." They should not be evaluated on a lower standard or disciplined less severely than any other employee. This is not equal employment opportunity.

An employer must provide an employee with a disability with reasonable accommodation necessary to enable the employee to participate in the evaluation process (for example, counseling or an interpreter). If an employee with a disability is not performing well, an employer may require medical and other professional inquiries that are job-related and consistent with business necessity to discover whether the disability is causing the poor performance, and whether any reasonable accommodation or additional accommodation is needed.

An employer may take the same disciplinary action against employees with disabilities as it takes against other similarly situated employees, if the illegal use of drugs or alcohol use affects job performance and/or attendance. An employer may not discipline or terminate an employee with a disability if the employer has refused to provide a requested reasonable accommodation that did not constitute an undue hardship, and the reason for unsatisfactory performance was the lack of accommodation.

Contact:

Labor Management & Employee Appeals Division
Miami-Dade Employee Relations Department
111 N.W. 1st Street, 21st floor
Miami, Florida 33128
(305) 375-4171 (Voice)
(305) 375-4138 (Fax)
<http://www.miamidade.gov/emprel/>

TECHNOLOGY

In some circumstances, reasonable accommodation may involve modification to existing technology or the provision of technological equipment. Because appropriate technology for reasonably accommodating each employee is determined on a case-by-case basis, it is impossible to anticipate every possibility.

For these reasons, Miami-Dade County Departments are encouraged to utilize local and national resources for advice on appropriate technology.

Contact:

The Job Accommodation Network (JAN)
West Virginia University
P.O. Box 6080
Morgantown, West Virginia 26506-6080
(800) 526-7234
(800) ADA-WORK
<http://www.jan.wvu.edu/>

Southeast Disability & Business Technical Assistance Center
490 Tenth Street
Atlanta, Georgia 30318
(800) 949-4232 (Voice/TTY)
<http://www.sedbtac.org>

Florida Alliance for Assistive Services & Technology, Inc. (FAAST)
325 John Knox Road, Building B
Tallahassee, Florida 32303
(888) 788-9216
<http://www.faast.org/>

FIU Disability Resource Center (Regional site for FAAST)
University Park GC190
11200 SW 8th Street
Miami, FL 33199
(305) 348-7585
<http://www.fiu.edu/~disser/>

GLOSSARY OF TERMS

AMERICANS WITH DISABILITIES ACT - The ADA is a federal anti-discrimination statute designed to remove barriers which prevent qualified individuals with disabilities from enjoying the same employment opportunities that are available to persons without disabilities. Public Law Number 101-336.

DISABILITY - With respect to an individual, a physical or mental impairment that substantially limits one or more of the major life activities of such individual; a record of such an impairment; or being regarded as having such an impairment.

ESSENTIAL FUNCTIONS - The fundamental job duties of the employment position. A job function is essential if removal of that function would fundamentally change the job.

MAJOR LIFE ACTIVITIES - Activities that an average person can perform with little or no difficulty. Examples include: caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

MINIMUM QUALIFICATIONS - The personal and professional attributes including skill, experience, education, physical and mental ability, medical, safety and other requirements established as requirements that an individual must meet in order to be eligible for the position held or desired.

PHYSICAL OR MENTAL IMPAIRMENT - Any physiological disorder, or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genito-urinary, hemic and lymphatic, skin, and endocrine.

Any mental or psychological disorder such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

The phrase physical or mental impairment includes, but is not limited to such contagious and noncontagious diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, specific learning disabilities, HIV disease (whether symptomatic or asymptomatic), tuberculosis, drug addiction, and alcoholism.

The phrase physical or mental impairment does not include homosexuality or bisexuality.

REASONABLE ACCOMMODATION - A reasonable accommodation is any change or adjustment to a job or work environment that permits a qualified applicant or employee with a disability to participate in the job application process, to perform the essential job functions of a job, or enjoy the benefits and privileges of employment equal to those enjoyed by employees without disabilities.

APPENDIX

APPENDIX





Employee Relations Department ESSENTIAL JOB FUNCTIONS FORM

The Americans with Disabilities Act (ADA) requires employers to focus on the essential functions of a position to determine whether an individual is qualified. Essential job functions are the fundamental job duties that an applicant or employee must be able to perform, with or without reasonable accommodation. The Essential Job Functions Form is intended to supplement the position description and announcement in identifying essential job functions. Please review the instructions and guidelines on page 2 before completing this form. If you need assistance completing this form, please contact the Employee Relations ADA Specialist at (305) 375-5876.

Department	Position Title	Occupational Code
Division	Section	Location of Position

List essential job functions here. You may list as many or as few functions as necessary. *Please attach additional sheets if necessary or desired.*

A.

B.

C.

D.

E.

F.

Name of Individual Preparing this Form	Preparer's Position Title	Telephone
Signature of Department Director (or designee)	Name of Department Director (or designee)	Date

DEPARTMENTS:

Please forward completed forms to: Employee Relations Department
Attn: Employee Relations ADA Specialist
111 N.W. First Street, Suite 2110
Miami, Florida 33128
(305) 375-5876 (voice)
(305) 375-4138 (fax) (305) 375-5645 (TTY)

Completed Essential Job Functions Forms are subject to the review and approval of the Employee Relations Department.

ESSENTIAL JOB FUNCTIONS FORM INSTRUCTIONS & GUIDELINES

1. To identify essential job functions, the first consideration is whether employees in the position are actually required to perform the function.
2. If a person does perform a given function, the next consideration is whether removing that function would fundamentally change the job.
3. A list of essential job functions should focus on the results or outcome of a function, not solely on the way it customarily is performed.

For example: A job that requires objects to be moved from one place to another should state this essential function. The analysis may note that the person in the job "lifts 50 pound cartons to a height of 3 or 4 feet and loads them into truck-trailers 5 hours daily," but should not identify the "ability to manually lift and load 50 pound cartons" as an essential function unless this is the only method by which the function can be performed without causing an undue hardship.

4. A function may be essential if the position exists to perform the function.

For example: A person is hired to proofread documents. The ability to proofread accurately is an essential function, because this is the reason that this position exists.

5. A function may be essential if there are a limited number of other employees available to perform the function, or among whom the function can be distributed. This may be a factor because there are only a few other employees, or because of fluctuating demands of a business operation.

For example: It may be an essential function for a file clerk to answer the telephone if there are only three employees in a very busy office and each employee has to perform many different tasks. Or, a company with a large workforce may have periods of very heavy labor-intensive activity alternating with less active periods. The heavy work flow during peak periods may make performance of each function essential, and limit an employer's flexibility to reassign a particular function.

6. A function may be essential if the function is highly specialized and a person is hired for special expertise or ability to perform it.

For example: A company wishes to expand its business with Japan. For a new sales position, in addition to sales experience, it requires a person who can communicate fluently in the Japanese language. Fluent communication in the Japanese language is an essential function of the job.

7. The consequences of not requiring a person in a job to perform a function are important factors to consider. Sometimes a function that is performed infrequently may be essential because there will be serious consequences if it is not performed.

For example: A corrections officer may only need to pursue and physically restrain an inmate with a weapon occasionally, but the function is essential because of the serious consequences if the officer could not perform this function.

8. The employer's judgment; a written job description prepared before advertising or interviewing applicants for a job; the amount of time spent performing a function; the terms of a collective bargaining agreement; the work experience of people who have performed a job in the past and work experience of people who currently perform similar jobs; and the nature of the work operations and the employer's organizational structure may also be factors in determining whether a function is essential.

If you need more information about Essential Job Functions, or assistance completing this form, please contact the Employee Relations ADA Specialist at (305) 375-5876.



Employee Relations Department ESSENTIAL JOB FUNCTIONS FORM

The Americans with Disabilities Act (ADA) requires employers to focus on the essential functions of a position to determine whether an individual is qualified. Essential job functions are the fundamental job duties that an applicant or employee must be able to perform, with or without reasonable accommodation. The Essential Job Functions Form is intended to supplement the position description and announcement in identifying essential job functions. Please review the instructions and guidelines on page 2 before completing this form. If you need assistance completing this form, please contact the Employee Relations ADA Specialist at (305) 375-5876.

Department Employee Relations Dept.	Position Title Clerk 2	Occupational Code 0011
Division Career Development Div.	Section Training Unit	Location of Position SPCC (Downtown)

List essential job functions here. You may list as many or as few functions as necessary. *Please attach additional sheets if necessary or desired.*

- A. Ability to move and stack boxes weighing up to 51 lbs.
- B. Ability to stock and retrieve materials on shelves at heights from floor level to five feet high.
- C. Ability to effectively sort, file, and retrieve written materials by date and category.
- D. Ability to answer a multi-line phone and create understandable messages.
- E. Ability to perform light typing.
- F.

Name of Individual Preparing this Form Bill Collins	Preparer's Position Title Emp. Rel. ADA Specialist	Telephone (305) 375-4340
Signature of Department Director (or designee)	Name of Department Director (or designee) Donald S. Allen	Date 06-06-05

DEPARTMENTS:

Please forward completed forms to: Employee Relations Department
Attn: Employee Relations ADA Specialist
111 N.W. First Street, Suite 2110
Miami, Florida 33128
(305) 375-5876
(305) 375-4138 (fax)

Completed Essential Job Functions Forms are subject to the review and approval of the Employee Relations Department.

NOTICE TO COUNTY EMPLOYEES & JOB APPLICANTS

AMERICANS WITH DISABILITIES ACT
Miami-Dade County Procedures for Reasonable Accommodation

The Americans with Disabilities Act protects qualified individuals with disabilities from disability-based discrimination. A reasonable accommodation is any change or adjustment to a job, the work environment, or the way things are done that enables a qualified applicant or employee with a disability to participate in the job application process, to perform the essential job functions of a job, or enjoy the benefits and privileges of employment equal to those enjoyed by employees without disabilities.

EMPLOYEES & APPLICANTS SEEKING REASONABLE ACCOMMODATION SHALL:

1. REQUEST THE REASONABLE ACCOMMODATION REQUEST FORM FROM:

- Your Departmental Personnel Representative (Employees Only); or
- The Center for Employment Application (Applicants Only); or
- The County's Web Portal (www.miamidade.gov); or
- The Employee Relations ADA Specialist.

2. COMPLETE THE REASONABLE ACCOMMODATION REQUEST FORM.

3. SUBMIT THE REASONABLE ACCOMMODATION REQUEST FORM TO:

- Your Departmental Personnel Representative (Employees Only); or
- Your Supervisor (Employees Only); or
- The Center for Employment Application (Applicants Only); or
- The Employee Relations ADA Specialist.

Note: Individuals seeking accommodation for an examination must submit their request and complete medical documentation to the Employee Relations Department at least 30 days prior to the examination or at the time of application, whichever is later.

IT IS THE RESPONSIBILITY OF THE EMPLOYEE OR APPLICANT SEEKING ACCOMMODATION TO REQUEST, COMPLETE, AND SUBMIT THE RAR FORM TO BEGIN THE REASONABLE ACCOMMODATION PROCESS.

Employee Relations ADA Specialist

Miami-Dade Employee Relations Department
111 N.W. First Street, Suite 2110
Miami, Florida 33128
(305) 375-5876 (Voice)
(305) 375-4138 (Fax)
(305) 375-5645 (TTY)

The Center for Employment Application

Miami-Dade Employee Relations Department
140 West Flagler Street, Suite 105
Miami, Florida 33130
(305) 375-5725 (Voice)





Employee Relations Department

REASONABLE ACCOMMODATION REQUEST FORM

for Miami-Dade County Government Employees

The Americans with Disabilities Act (ADA) protects qualified individuals with disabilities from employment discrimination. Reasonable accommodation is a key nondiscrimination requirement under the ADA. All requests are handled on a case-by-case basis.

Section 1. To be completed by the Employee. Please type or print clearly. Attach additional sheets if necessary. If you need help completing this form, contact the Employee Relations ADA Specialist at (305) 375-5876. TTY users call (305) 375-5645 or the Florida Relay Center at 711.

Name: Last	First	Middle Initial	Department
Job Title			Social Security #
Mailing Address (Street Name and Number)		Apt. #	Home Telephone
City	State	Zip Code	Work Telephone

1. Identify and describe your impairment. *Please attach your medical documentation to this form.*

2. How does your impairment affect your ability to do your job?

3. What is your accommodation request? (What do you need to help you do your job?)

Under the ADA, when an individual qualifies for reasonable accommodation, the employer is free to choose among effective accommodations, and may choose one that is less expensive or easier to provide. A medical examination may be required to determine if an individual has a disability covered by the ADA and is entitled to an accommodation, and, if so, to help identify an effective accommodation.

My signature indicates my permission for Miami-Dade County to contact my medical practitioner(s) to seek additional or clarifying information and for the medical practitioner(s) to release such information as applicable to the evaluation of my request for accommodation. The information provided by me is true and correct to the best of my knowledge.

Employee's Signature	Date
----------------------	------

Please return this form to your Departmental Personnel Representative or your Supervisor.

Signature of a department staff member to acknowledge receipt	Date received by department
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THIS IS A CONFIDENTIAL MEDICAL RECORD. DO NOT PLACE IN THE EMPLOYEE'S PERSONNEL FILE.

SUPERVISOR OR DEPARTMENTAL PERSONNEL REPRESENTATIVE'S RECOMMENDATION

Section 2. To be completed by the Employee's Supervisor, the Departmental Personnel Representative, or designee. Supervisors should consult with the Departmental Personnel Representative before completing this section. Please attach the Job Description, the Essential Job Functions Form, and any other relevant document to this form. For assistance, refer to the Employee Relations Department ADA Procedures Manual or contact the Employee Relations ADA Specialist at (305) 375-5876.

1. I recommend that the request for accommodation be: ☐ Approved ☐ Denied ☐ Other
2. If recommending approval, describe the specific accommodation(s) to be provided. If recommending denial, please state justification.

Signature	Date
Work Address	Work Telephone

ATTENTION: If the Employee's Supervisor, Departmental Personnel Representative, or designee recommends that the request be denied, please consult with and forward this form to the Employee Relations ADA Specialist before proceeding to Section 3.

DEPARTMENT DECISION

Section 3. To be completed by the Department Director.

1. The request for accommodation is: ☐ Approved ☐ Denied ☐ Other
2. If different from the recommendation in Section 2, describe the specific accommodation(s) to be provided or state the justification for denial.

Signature	Date
-----------	------

Department decisions relating to reasonable accommodation are subject to review by the Miami-Dade Disability Review Panel in accordance with Title II of the ADA § 35.107.

Departments: Please forward the completed form and attachments to:

Employee Relations Department
Attn: Employee Relations ADA Specialist
111 N.W. First Street, Suite 2110
Miami, Florida 33128
(305) 375-5876
(305) 375-4138 (fax)



Employee Relations Department

REASONABLE ACCOMMODATION REQUEST FORM

for Miami-Dade County Government Job Applicants

The Americans with Disabilities Act (ADA) protects qualified individuals with disabilities from employment discrimination. Reasonable accommodation is a key nondiscrimination requirement under the ADA. All requests are handled on a case-by-case basis.

Section 1. To be completed by Applicant. Please type or print clearly. Attach additional sheets if necessary. If you need help completing this form, contact the Employee Relations ADA Specialist at (305) 375-5876 (Voice) or (305) 375-5645 (TTY). *County job applicants seeking accommodation for an examination must submit their request and complete medical documentation to the Employee Relations Department at least 30 days prior to the examination or at the time of application, whichever is later.*

Name: Last	First	Middle Initial	Position Sought	Department
Mailing Address (Street Name and Number)			Apt. #	Social Security #
City	State	Zip Code	Daytime Telephone Number	

1. Identify and describe your impairment. *Please attach your medical documentation to this form.*

2. What is your accommodation request? (What do you need to help you with the application, interview, or examination process?)

Under the ADA, when an individual qualifies for reasonable accommodation, the employer is free to choose among effective accommodations, and may choose one that is less expensive or easier to provide. A medical examination may be required to determine if an individual has a disability covered by the ADA and is entitled to an accommodation, and, if so, to help identify an effective accommodation.

My signature indicates my permission for Miami-Dade County to contact my medical practitioner(s) to seek additional or clarifying information and for the medical practitioner(s) to release such information as applicable to the evaluation of my request for accommodation. The information provided by me is true and correct to the best of my knowledge.

Applicant's Signature

Date

You may submit this completed form and documentation with your application, or return it to the Employee Relations Department, Career Development Division, 111 N.W. First Street, Suite 2110, Miami, Florida 33128.

Received by:

Date Received:

Please forward this request to the Employee Relations Department, Career Development Division for processing.

THIS IS A CONFIDENTIAL MEDICAL RECORD. DO NOT PLACE IN PERSONNEL FILE.

EMPLOYEE RELATIONS DEPARTMENT RECOMMENDATION

Section 2. To be completed by the Director of the Employee Relations Department Career Development Division or designee. Please attach all relevant documents to this form.

1. I recommend that the request for accommodation be: ☐ Approved ☐ Denied ☐ Other

2. If recommending approval, describe the specific accommodation(s) to be provided. If recommending denial, please state justification.

Signature

Date

DEPARTMENT DECISION

Section 3. To be completed by the Department Director or designee. For examination accommodations, to be completed by the Director of the Employee Relations Department Career Development Division or designee.

1. I recommend that the request for accommodation be: ☐ Approved ☐ Denied ☐ Other

2. If different from the recommendation in Section 2, describe the specific accommodation(s) to be provided or state the justification for denial.

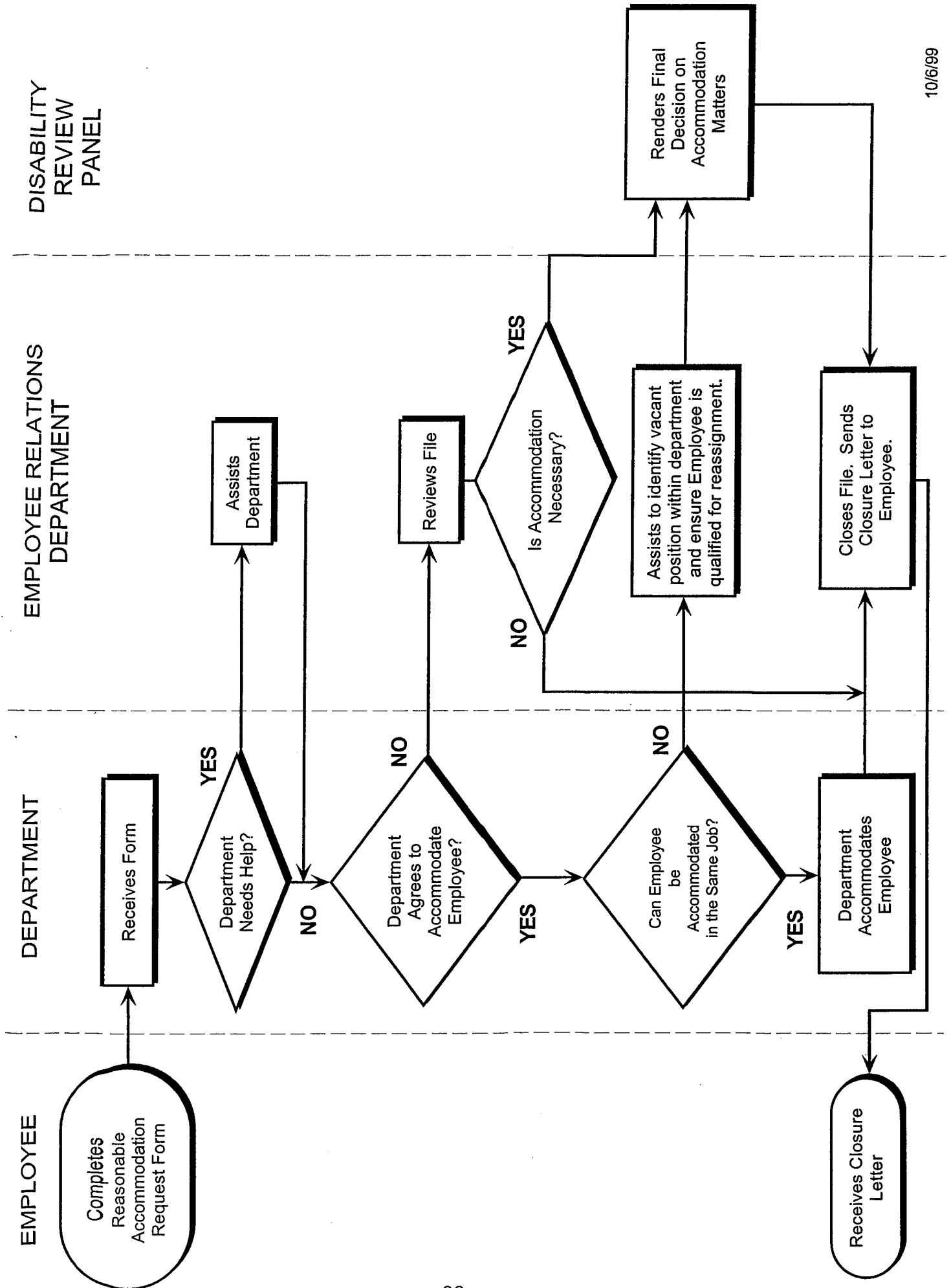
Signature

Date

Departments: Please forward the completed form and attachments to:

Employee Relations Department
Attn: Employee Relations ADA Specialist
111 N.W. First Street, Suite 2110
Miami, Florida 33128
(305) 375-5876
(305) 375-4138 (fax)

THE MIAMI-DADE COUNTY REASONABLE ACCOMMODATION PROCESS





SAMPLE LETTER TO PHYSICIAN

SENT VIA FACSIMILE

<<DATE>>

<<DR. FIRST NAME>><<DR. LAST NAME>>
<<DR. ADDRESS>>

Dear Dr. <<DR. LAST NAME>>:

We are seeking to return one of your patients, <<EMPLOYEE>>, back to work in another position in response to his/her request for reasonable accommodation. We need your expert opinion before we can place him/her in the new classification.

We have identified a <<NEW POSITION>> position for <<EMPLOYEE>>. Attached is an "Essential Job Functions Form" for the position. Please advise us whether <<EMPLOYEE>> can perform the essential job functions of the <<NEW POSITION>> classification, with or without accommodation.

To make things easy for you, you can just complete the attached "Physician's Response Form" and fax it back. **My fax number is <<FAX NO.>>.** Thank you in advance for your cooperation and prompt assistance. If you have any questions or concerns, please contact me at <<PHONE NO.>>.

Sincerely,

Attachments

<<ATTACH COMPLETED EJF FORM & BLANK PHYSICIAN'S RESPONSE FORM>>



PHYSICIAN'S RESPONSE FORM

Employee: <<EMPLOYEE NAME>>

Position: <<POSITION TITLE>>

Please check one (1) of the following:

_____ <<EMPLOYEE NAME>> is able to perform all of the essential job functions of the <<POSITION TITLE>> position without accommodation.

_____ <<EMPLOYEE NAME>> is able to perform all of the essential job functions of the <<POSITION TITLE>> position with accommodation. (If checked, please detail your suggested accommodation, *i.e.*, special keyboard, use of handcart, etc. List options if possible. Do not list "restrictions" here.)

_____ <<EMPLOYEE NAME>> is unable to perform all of the essential job functions of the <<POSITION TITLE>> position.

Physician's Signature _____ Date _____
<<DOCTOR'S NAME>>

Fax completed form to <<MY NAME>>, <<MY TITLE>>, at <<MY FAX NUMBER>>.

Thank you!

Reasonable Accommodation Fund Process Form A

Steps	Results
Review essential functions of job.	
Determine with employee how disability limits essential job function.	
Identify accommodations to overcome limitation; determine effectiveness and feasibility.	
Consider employee's preference ; however, management selects accommodation appropriate for employee and management.	

Funding required? yes: ☐ no: ☐ (If yes complete Form B.)
Comments: _____

Applicant/Employee Information -

Application Date: _____

Name: _____

SS# : _____ - _____ - _____ Phone: _____

Type : _____ (A)Applicant or (E)employee

* Adapted from EEOC Reg. Appendix

Dept / Div.: _____

Interviewer: _____

*** Recommendation:**

Approved: ☐ Denied: ☐ Date: _____

Authorized by: _____

Signature : _____

* For denial see instructions

Reasonable Accommodation Fund Request

Form B

R#: _____

Date: _____

Name: _____

Dept / Div. : _____

SS#: _____ - _____ - _____ Phone: _____

Dept. Contact: _____

Type : _____ (A)pplicant or (E)mployee

Classification : _____

Nature of request: (Explain what reasonable accommodation is to be made.)

COSTS:

Cost of Accommodation: _____

Cost requested from fund: _____

Outside agency contribution: _____

Internal cost:

Department/Division: _____

Budget Code: _____ Charge: _____

Reasonable Accommodation Fund: _____

Budget Code: _____ Charge: _____

Authorized by: (a - Name, b - Signature c - Date)

Department Director

A. A. Director

OMB

a. _____

b. _____

c. _____

Copy distribution: Affirmative Action, Finance, OMB, Applicable department
*Adapted from EEOC Reg. Appendix